IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 22047 of 2006(S)

PETITIONERS:
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1. T.D.SEBASTIAN, S/O.DEVASSY,
AGED 45 YEARS, THUNDIPARAMBIL HOUSE,
KARTHEDAM, MALIPURAM.

2. PREMOTH, S/O.SUBRAHMANIAN, AGED 34 YEARS
POLAKKULATH HOUSE, KARTHEDOM, MALAPURAM.

BY ADV. SRI.C.T.JESTIN

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF
TRANSPORT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM REPRESENTED BY ITS SECRETARY,
CIVIL STATION, KAKKANAD, ERNAKULAM.

3. THE DISTRICT COLLECTOR,
ERNAKULAM, COLLECTORATE, KAKKANADU, ERNAKULAM.

4. THE REGIONAL TRANSPORT OFFICER,
CIVIL STATION, KAKKANADU, ERNAKULAM.

ADDL.5. VYPEEN PARUR BUS OWNERS ORGANISATION,
ROOM NO.22, MUNICIPAL BUS STAND BUILDING,
NORTH PARUR, REPRESENTED BY ITS PRESIDENT
SHRI.PRAKASH MANNALI.

(ADDL.5TH RESPONDENT IS IMPLEADED AS PER ORDER
DATED 15.9.2006 IN IA NO.12830/2006)

ADDL.6. THE PRESIDENT, PIRAVOM UNIT OF PRIVATE BUS OPERATORS ASSOCIATION, 3 ROAD JUNCTION, PIRAVOM-4.

7. SRI.ELIAS VARGHESE, NAREKATTU HOUSE, MULAKULAM NORTH P.O., KOOTHATTUKULAM, ERNAKULAM DISTRICT.

(ADDL.RESPONDENTS 6 AND 7 ARE IMPLEADED AS PER ORDER DATED 15.9.2006 IN IA NO.12931/2006)

R5 BY ADV. SMT.SUMATHY DANDAPANI
R6 & R7 BY SRI.G.PRABHAKARAN
R1 TO R4 BY GOVERNMENT PLEADER MR.T.B.HOOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2006, ALONG WITH WPC NO. 22481 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & C.N.RAMACHANDRAN NAIR, J.

W.P.(C) Nos.22047 & 22481 of 2006

Dated, this the 18th day of December, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

By this common order we propose to dispose of two connected writ petitions bearing Nos.W.P.(C) Nos.22047 and 22481 of 2006 as common questions are involved therein. The bare minimum facts that need a necessary mention have been extracted from W.P.(C) No.22481 of 2006. C.M.Devassy, the petitioner in W.P.(C) No.22481 of 2006 has filed this petition by way of public interest litigation under Article 226 of the Constitution of India seeking a writ in the nature of mandamus directing respondents 1 to 3 to take immediate steps to extend the existing bus service coming from Vypeen, Vallarpadom and Mulavukad to Ernakulam to the various places of Cochin City and vice versa by providing efficient and sufficient commuting facilities to the passengers, by convening meeting of the bus route committee and other officials committes forthwith. The facts mentioned in the said petition for the desired relief reveal

that the petitioner is the former Vice President of Vypeen Block Panchayat and he is a social worker also. His case is that after completion of the Goshree bridges connecting Vypeen, Vallarpadom and Mulavukad islands with Ernakulam, the stage carriages coming from those islands are allowed to ply only upto the High Court junction. Even though the century old dream of the people of the above islands has become a reality after the opening of Goshree bridges, transport facilities of the passengers of buses coming from those islands to Ernakulam remain without any change. The request of the petitioner and other passengers coming from those islands to Ernakulam to go to various places of Cochin City is not considered so far by the authorities. The passengers coming from those islands are losing money and much time in addition to the inconvenience caused because of the non-extension of the permits and non-modification of the existing routes. The passengers are facing inconvenience and waste of time and money. Even though meetings were convened by the District Collector to consider the matter, but no tangible result could be achieved.

2. Pursuant to the notice issued by this Court the third

respondent has filed a counter affidavit, wherein it has, inter alia, been pleaded that at present 630 city services and about 500 moffusil services are operating in Cochin City. Every day each city service bus is conducting nearly 5 to 6 trips. After the commissioning of the Goshree bridges, the buses which were terminating at Vypeen were extended to High Court junction. The request of the petitioner and others was considered by the Regional Transport Authority in its meeting held on 16.11.2005 which took a decision to allow some vehicles coming from eastern side of the city to Vypeen area which are having sufficient time gap, without any change in their existing timings, but none of the operators have come forward to extend their services to Vypeen. In the meanwhile the City Police Commissioner by his letter dated 1.12.2005 informed that the proposal of extending bus service from Vypeen island to various parts of the city through over crowded and over burdened narrow roads of Cochin City would create a lot of acute traffic problems rather than what it would solve and had suggested to take up this matter at a later stage. On the basis of the points raised by the City Police Commissioner, the matter was again considered by the Regional Transport

Authority at its meeting held on 18.1.2006 which adjourned the matter for a detailed study. It is urged by the learned Government Pleader that at this stage it will not be possible to allow the request of the petitioner, but the same shall be considered after the position improves in the Cochin City.

3. We have heard learned counsel for the parties and examined the records of the cases. From the pleadings made in the counter affidavit it appears that a saturation point has already reached. The traffic in Cochin City is such that it is not possible to accommodate any further plying of buses in the heart of the town. As mentioned above, the buses are permitted to ply upto the High Court junction wherefrom connection is available to all centres through city bus services. If the administration in its wisdom is of opinion that it will be hazardous to add to the already choked vehicular system in the town, the Court would not interfere in such administrative decisions taken by the respondents. We do not find any merit in these writ petitions, particularly when we find that it is not that much inconvenient to the public as well, as is sought to be made out. The buses are coming upto the High Court junction from where bus services for

all city connections are available. These writ petitions are closed with an observation that the request of the petitioners may be considered again as and when the situation improves.

V.K. BALI,
CHIEF JUSTICE.

C.N.RAMACHANDRAN NAIR,
JUDGE.

vns